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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,597	04/12/2004	Craig T. Nelson	41, 299	2857

7590 10/19/2005  
Craig T. Nelson  
8989 Columbia Avenue  
St. John, IN 46373

EXAMINER
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FRANK, RODNEY T

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/822,597	<b>Applicant(s)</b> NELSON, CRAIG T.	
	<b>Examiner</b> Rodney T. Frank	<b>Art Unit</b> 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-26 and 28 is/are allowed.
- 6) ☒ Claim(s) 27 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/12/04</u> | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 27 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Haisch (U.S. Patent Number 3,825,040). Haisch discloses a tank gauging system which is capable of being repaired without having to remove the tank in which the system is contained from service. The system includes a tank gauging tube housing or stillwell which is mounted between the top and bottom of a cargo-carrying tank and which is intended primarily to house a conventional liquid level gauge or other such device. The housing serves the dual purpose of mounting the level gauge and in the event of loss of the normal cargo pumps, the gauge itself may be removed from the tube and a pump temporarily installed for pumping out the tank (Please see the abstract).

With regard to claim 27, Haisch discloses and shows in figure 3 a method for using a still well apparatus comprising inserting a still well apparatus (21) into a vessel (18), connecting the still well into the vessel (Through the vessel cover 20), extending the length of the still well (still well comprising sections 31, thus being able to be extended, though not explicitly disclosed), inserting an analytical device and detecting a physical parameter (this is not explicitly disclosed, however one of ordinary skill in the

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art would be aware of a gauging system utilizing an ultrasonic transducer produce emissions to measure reflections from a liquid surface in order to obtain liquid level, as well established in the still well liquid level measuring art. This particular technique is demonstrated by Ellinger et al., for example, cited by the examiner as a general state of the art reference.).

With regard to claim 29, Haisch discloses in column 3 lines 12 through 35 that the still well (21) can be removed by removing the vessel cover (20), thus disconnecting from the top, and removing the stillwell.

***Allowable Subject Matter***

3. Claims 1-26, and 28 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter: The claims are all directed to a still well apparatus or method of utilizing a specific still well apparatus. The novel portions of the claims are directed to a few key features, wherein each allowable claim has at least two of the novel features, thus a reason for allowance.. First, the claims include a stillwell with a means of lengthening the still well apparatus. The prior art of record does not anticipate nor render obvious such a feature. There are various references (Haisch is an example) of a stillwell utilizing sections. However, there is nothing in the references that would indicate that the stillwell is ever extended past a given length as shown, rather a length is chosen for a specific application and used, and not a need to lengthen the stillwell. Next, the claims call for an apparatus mounted parallel to the still well for cleaning the stillwell. Next, there are claims of at least two sections, an upper section and a lower section,

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thus indicating that the stillwell is not a single piece construction, but has to be at least two pieces. Again, the reason for allowance of the apparatus claims is that each one includes at least two of these features, in combination with other features of the claims, whereby the combination of features as claimed, is not disclosed nor deemed obvious in view of the prior art of record. In a similar fashion, there are various method claims that disclose various methods that utilize a stillwell apparatus that has at least two of the above mentioned elements. The combination of limitations in the various method claims that lend such a method to a specific and inventive stillwell apparatus make the various method claims novel in view of the prior art of record.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The examiner has cited various prior art references deemed to be representative of the general state of the art of the present invention.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney T. Frank whose telephone number is (571) 272-2193. The examiner can normally be reached on M-F 9-5:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RTF  
October 17, 2005



HEZRON WILLIAMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800